

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone : 517 700

Fax : 517844

website : www.africa-union.org

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Annex III**

CRITERIA FOR HOSTING THE AU ORGANS

Note: Adopted by the 7th Ordinary Session of the Executive Council and endorsed by the 5th Ordinary Session of the Assembly held in Sirte, Libya, on 1-2 and 4-5 July 2005, respectively.

CRITERIA FOR HOSTING THE AU ORGANS

I. INTRODUCTION

1. The hosting of an organ of the Union in a Member State entails rights and obligations for the African Union as well as for the host country. Normally, the State Party offering to host an organ indicates what facilities it wishes to place at the disposal of the organ. It is, therefore, customary for the host country to extend certain facilities such as premises for the offices of the Union and to provide the requisite privileges and immunities to the staff and Member State representatives.

2. The relevant decisions EX.CL/Dec.98(V); EX.CL/Dec.132(V); and Assembly/AU/Dec. 39(III) of the Policy Organs of the Union taken in July 2004 with regard to the hosting of the Organs of the Union point to the establishment of a harmonized criteria. Such criteria would aim at ensuring that wherever the organs are located they shall carry out their functions effectively in an enabling atmosphere, not only for the Member States who will be utilizing their services but also for the members of staff as well as their families.

II. SET OF CRITERIA

3. Member States hosting or proposing to host AU organs should meet the following minimum basic requirements:

- a) The host country shall provide, at its expense a secure structure with furnished and equipped office premises for the seat of the organ on the basis of the objective requirements of office space;
- b) The premises offered by the host country should be such that the organ shall be easily accessible;
- c) The host country shall meet the requirements of a conducive political atmosphere and adequate logistical facilities;
- d) There should be appropriate and efficient modern infrastructure especially telecommunication facilities to enable the office to function efficiently;
- e) There shall be available housing, hotel accommodation and health infrastructure to meet the functional needs of the organ.
- f) Without prejudice to these criteria, nothing in these criteria shall be taken to preclude a member state from offering more facilities. In this regard, a

member state offering to host an organ of the Union is encouraged to provide, at its expense, where the Head of the Organ is required to be resident at the seat, an appropriate furnished and equipped official residence;

4. A Member State hosting or wishing to host any of the organs of the Union should have ratified the General Convention on Privileges and Immunities of the OAU, the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations.
5. The Commission shall communicate this criteria and the model Headquarters Agreement it shall elaborate to all the Member States. .
6. An independent team shall be set up by the Commission and shall make a fact-finding mission to Member States offering to host organs of the Union to inspect the proposed site and submit a report thereon to the Executive Council.
7. All the offers for hosting the seat of an organ of the Union shall be submitted to the Executive Council for consideration. Selection of the host country shall be made, in accordance with the Rules of the Executive Council, by consensus, failing which, by a two-thirds majority. The Executive Council shall select a Host country, and submit a recommendation thereon to the Assembly for decision.
8. The Assembly shall decide on the seat of the organ in accordance with its Rules, by consensus, failing which, by a two-thirds majority.
9. Thereafter, the Commission shall ensure that the Host Agreement is signed between it and the Member State concerned.
10. The Assembly may decide on the transfer of an organ of the Union, in the event that the Member State concerned is in breach of these criteria or the host country agreement, or in case of natural or other disaster that has the effect of making the organ unable to function. The decision shall be taken in accordance with the Rules of the Assembly, by consensus, failing which, by a two-thirds majority.
11. The present criteria shall be reviewed periodically when deemed appropriate by the policy organs.